

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

David Henry Nichols,

Civil 08-6378 JMR/FLN

Plaintiff,

v.

O R D E R

1st Judicial District Court Judge
David Knutson, et al.,

Defendants.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated December 29, 2008, all the files and records, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that:

1. Plaintiff's Application to Proceed Without Prepayment of Fees and Affidavit [#2] is DENIED; and
2. This action is summarily dismissed pursuant to 28 U.S.C. §1915(e)(2)(B)(ii).

DATED: January 22, 2009.
at Minneapolis, Minnesota

s/James M. Rosenbaum
JUDGE JAMES M. ROSENBAUM
United States District Court